UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,332	03/01/2004	Jing Zhu	08226/1200369-US1	9009

38880 7590 02/02/2006

DARBY & DARBY P.C.
P.O. BOX 5257
NEW YORK, NY 10150-6257

EXAMINER	
NGUYEN, QUANG N	
ART UNIT	**PAPER NUMBER**
2141	

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/790,332	Applicant(s) ZHU ET AL.	
	Examiner Quang N. Nguyen	Art Unit 2141	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *None*.
   Claim(s) objected to: *None*.
   Claim(s) rejected: *1-19*.
   Claim(s) withdrawn from consideration: *None*.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER

Detailed Action

1. This Office Action is in response to the Request For Reconsideration filed on 01/17/2006. Claims 1-19 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ingerman et al. (US 2004/0255122 A1), hereinafter referred as Ingerman.

4. As to claim 1, **Ingerman** teaches a method for filtering messages for a node on a network, comprising:

determining a degree of separation between each of a plurality of nodes that are associated with a first node, wherein the first node and at least a portion of the associated plurality of nodes are granted membership in a community based on a

number of degrees of separation between the first node and a second node in the community *(entities corresponding to message addresses 222, 223, and 224 retrieved from address list 221 can be viewed as one degree of separation away from entity 291)* **(Ingerman, Fig. 2 and paragraphs [0054] and [0058])**, and wherein the granting of membership in the community is limited by at least an adaptive cut-off radius for the community *(for example, a particular messaging environment can be configured to store trust information* ***up to four degree of separation****, or* ***approximately one-million other message entities*** *with 32 unique contacts for each degree of separation)* **(Ingerman, paragraph [0091])**;

determining a level of trust for the first node in the community based on the number of degrees of separation between the first node and another node in the community *(information in trust list, i.e., degrees of separation, can indicate a level of trust between 2 entities)* **(Ingerman, paragraphs [0052 and 0054])**; and

if a message is received by the first node in the community from the other node in the community, employing the level of trust associated with the other node to determine if the message is to be delivered to at least one trusted folder associated with the first node *(inherently, if the received message, whose sending address is identified or stored in the trust list, i.e., identified as a non-spam message, then it is transferred to the recipient user's inbox)* **(Ingerman, paragraph [0016]).**

5. As to claim 2, **Ingerman** teaches the method of claim 1, wherein the message is one of email, Short Message Service (SMS), Multi-Media Message Service (MMS), and

Instant Message (IM) *(categorizing electronic messages)* **(Ingerman, paragraph [0017]).**

6. As to claim 3, **Ingerman** teaches the method of claim 1, wherein determining the degree of separation between each of the plurality of nodes associated with the first node, further comprises determining each degree of separation between each node based at least in part on a listing in at least one of a contact list, a buddy list, a received message, a forwarded message, a saved message, a sent message, an Internet Service Provider (ISP), an online chat room, an online group, on-line social network, and a message classified as non-spam *(i.e., determining each degree of separation between each node based on address book entries)* **(Ingerman, paragraph [0054]).**

7. As to claims 4-5, **Ingerman** teaches the method of claim 1, wherein the number of degrees of separation between the first node and the second node in the community is selectable, and wherein the level of trust associated with the other node is selectable **(Ingerman, paragraph [0054]).**

8. As to claims 6-7, **Ingerman** teaches the method of claim 1, wherein the trusted folder includes at least one of an inbox folder and a folder where unread messages are further processed after a period of time, and wherein the processing after a period of time further comprises at least one of deleting the message, a white list filter, a black list filter, and a content filter **(Ingerman, paragraphs [0014 and 0016]).**

9. As to claim 8, **Ingerman** teaches the method of claim 1, further comprising if another message is received from a source outside the community of nodes, employing at least one anti-spam filter to perform at least one of delete the other message and deliver the message to an untrusted folder *(based on trust list information and/or activity store information, employing plug-ins to calculate the urgency of a message, categorize a message as an unwanted/unsolicited message, or cause other plug-ins such as a junk mail plug-in to process or bypass further processing)* **(Ingerman, paragraph [0048]).**

10. As to claim 9, **Ingerman** teaches the method of claim 1, wherein determining the degree of separation between each of the plurality of nodes, further comprises: determining if one of the nodes in the plurality of nodes is separated by one degree of separation from a number of nodes that is greater than a predetermined level *(e.g., 32 unique first degree contacts)*; and identifying each node as a super node whose number of nodes that are separated by one degree of separation is greater than the predetermined level, wherein a level of trust for each node solely associated with super node is reduced *(plug-in 272 can be configured to categorize email 216 based on the desires of the plug-in developer, for example, the messaging environment can be configured to store trust information for up to four degrees of separation, and when a messaging entity has a reduced reliability index, the trust associated the messaging entity can decrease)* **(Ingerman, paragraph [0091]).**

11. As to claim 10, **Ingerman** teaches the method of claim 1, wherein determining the degree of separation, further comprises determining that a first degree of separation from the first node is a membership in at least one of a contact list and a buddy list *(entities corresponding to message addresses 222, 223, and 224 retrieved from address list 221 can be viewed as one degree of separation away from entity 291)* **(Ingerman, Fig. 2 and paragraph [0054]).**

12. As to claim 11, **Ingerman** teaches the method of claim 1, wherein the determining the degree of separation, further comprises determining that a first degree of separation from the first node includes a listing in more than one of a contact list *(i.e., entities corresponding to message addresses 222, 223, and 224 retrieved from address list 221 can be viewed as one degree of separation away from entity 291),* a buddy list, a received message, a forwarded message, a sent message, an Internet Service Provider (ISP) *(i.e., entities in the same domain, considered as local messaging entities)* an online chat room, an online group, an on-line social network, and a message classified as non-spam **(Ingerman, Fig. 2 and paragraphs [0020, 0054 and 0067]).**

13. As to claim 12, **Ingerman** teaches the method of claim 1, further comprising assigning a high level of trust to each node that is separated from the first node by one degree of separation *(assigning a high level to each node/entity in the address book, i.e., separated by one degree of separation)* **(Ingerman, paragraphs [0053-0054]).**

14. As to claim 13, **Ingerman** teaches the method of claim 1, further comprising if a number of first degree of separation associations with nodes for the first node is less than a threshold *(e.g., for less than 32 unique first degree contacts, then the messaging environment can be configured to store trust information up to four degree of separation, i.e., 32 to the exponent of 4^{th} or approximately one-million, other messaging entities)*, automatically providing membership in the community to each node associated with the first node **(Ingerman, paragraph [0091]).**

15. As to claim 14, **Ingerman** teaches the method of claim 1, further comprising revoking the level of trust associated with the other node based on actions related to unsolicited messages *(when a messaging entity is identified as sending unwanted and/or unsolicited messages, the trust associated the messaging entity can decrease, i.e., can be revoked)* **(Ingerman, paragraph [0092]).**

16. As to claim 15, **Ingerman** teaches the method of claim 1, further comprising enabling each message alias for one node to be handled as the same node *(inherently, an alias is an alternate label for some object, therefore each message alias for one node should be handled as the same node).*

17. Claims 16-19 are corresponding server, client, and carrier wave signal claims of method claim 1; therefore, they are rejected under the same rationale.

Response to Arguments

18. In the remarks, Applicant argued in substance that

(**A**) Prior Art (**Ingerman**) provides for no such adaptive cut-off radius for limiting prospective members in a community.

As to point (**A**), before addressing the argument, Examiner respectfully submits that the language of the limitation cited in the quotation **"an adaptive cut-off radius"** could be given broad and reasonable interpretation in light of specification as a threshold or a number that the granting of membership in the community is limited by. In this case, **Ingerman** teaches, for example, it maybe that in a particular messaging environment each message entity has 32 unique first degree contacts, each of the 32 unique first degree contacts also have 32 unique first degree contacts, etc. and that the particular messaging environment can be configured to store trust information up to four degree of separation, i.e., 32 to the exponent of 4^{th}, or approximately one-million, other message entities *(i.e., **up to four degree of separation** or **approximately one-million other message entities** is the adaptive cut-off radius for limiting prospective members in the sample community)* **(Ingerman, paragraph [0091])**.

19. Applicant's arguments as well as request for reconsideration filed on 01/17/2006 have been fully considered but they are not deemed to be persuasive.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER